

REMARKS

I. INTRODUCTION

Favorable reconsideration of this application, in light of the present amendments and following discussion, is respectfully requested.

II. STATUS OF THE CLAIMS

By the present amendment, Claim 1 is amended. Claims 1 and 3-6 are pending with Claim 1 being the sole independent claim. It is respectfully submitted that no new matter is added herewith.

III. SUMMARY OF THE OFFICE ACTION

In the Office Action, Claims 1 and 3-6 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite; and Claims 1 and 3-6 remain rejected under 35 U.S.C. § 103(a) as being unpatentable over *Kobayashi et al.* (US Patent No. 4,633,613) in view of *Bickerstaff* (U.S. Patent No. 4,589,227).

IV. REJECTION OF THE CLAIMS

A. Rejection of Claims 1 and 3-6 under 35 U.S.C. § 112

Claims 1 and 3-6 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Applicant respectfully traverses.

In particular, the Examiner cites to www.dictionary.com as defining the term "inflection" as "a bend or angle" and asks how can a curved track not have points of inflection.

In response, Applicant notes that in the context of the claimed invention, "inflection" refers to the mathematical definition thereof, meaning change of curvature. Indeed, the mathematical definition is provided at the same website cited by the Examiner, i.e. www.dictionary.com : "Mathematics. a change of curvature from convex to concave or vice versa". Attached as Appendix A is a copy of a webpage from www.dictionary.com providing the mathematical definition of "inflection." Thus, it is clear that the phrase "without points of inflection" of Claim 1 means without a change of curvature.

In an effort to further clarify this, Claim 1 is amended to recite that the curved trajectory is "without change of curvature from convex to concave or vice versa" instead of "without points of inflection". This amendment is consistent with the mathematical definition of the term "inflection" provided at www.dictionary.com. Additionally, the specification is amended commensurate with the amendment to Claim 1.

In view of the above explanation and the amendment to independent Claim 1, Applicant respectfully submits that Claims 1 and 3-6 are clear and definite. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection under 35 U.S.C. § 112, second paragraph.

B. Rejection of Claims 1 and 3-6 under 35 U.S.C. § 103(a)

In the Office Action, Claims 1 and 3-6 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Kobayashi* in view of *Bickerstaff*. Applicant respectfully traverses.

As discussed above, independent Claim 1 is amended to clarify that the curved trajectory of the rail is without change of curvature from convex to concave or vice versa.

In contrast, *Kobayashi* does not teach a rail that defines a substantially curved trajectory without change of curvature from convex to concave or vice versa that the window follows. In *Kobayashi*, the window trajectory is defined by the two rails 54 and 56, and such trajectory includes several points of inflection, i.e. change in curvature. As seen in Figure 4, for example, of *Kobayashi*, the curvature of the two rails 54 and 56 changes. In other words, the curvature of each of the two rails 54 and 56 does not stay the same. Accordingly, *Kobayashi* does not teach a curved trajectory without change of curvature from convex to concave or vice versa, as recited in Claim 1, as amended.

Moreover, unlike the claimed invention, the *Kobayashi* device requires two guide rails in order to operate. Specifically, the *Kobayashi* device requires a second guide rail that must be used to provide a pivot in the window pane 18 during its moving. Thus, the *Kobayashi* device cannot achieve its function of moving the window pane 18 using only a single guide rail, as recited in the claimed invention. In the claimed invention, where one single rail is used, a reduction in manufacturing cost and reduction in noise and vibration are obtained. Applicant argued this distinction from *Kobayashi* in the Applicant's previous Amendment; however the Office Action fails to address it.

Finally, *Bickerstaff* does not cure the deficiencies of *Kobayashi*. *Bickerstaff* is cited only for allegedly teaching an adjusting means. And the means for adjusting the position in the claimed invention is different than in *Bickerstaff*. In the claimed invention, the means for adjusting is the same operating device, such as device 1, and includes two lower transversal screws 9 and 10, whose function is to laterally adjust the position of the whole device to the door of vehicle. Applicant submits that the lateral positioning of the device of the claimed invention as whole is accomplished when the device as a whole is adjusted, including motor,

rail and other items, while in *Bickerstaff*, only the lateral position of the glass is accomplished when it moves up and down.

Consequently, because *Kobayashi*, either alone or in combination with *Bickerstaff*, fails to teach all of the limitations of the claimed invention, Applicant respectfully submits that a *prima facie* case of obviousness has not been established. Therefore, Applicant requests reconsideration and withdrawal of the rejection of independent Claim 1 under 35 U.S.C. § 103(a).

Moreover, dependent Claims 3-6 are allowable for the same reasons as discussed above. Additionally, these claims recite other features not found in *Kobayashi* and *Bickerstaff*. For example, both *Kobayashi* and *Bickerstaff* fail to teach an upper pivoting axle used on the rail, as in dependent Claim 3. This upper pivoting axle acts as a fixing and allows the rail to tilt slightly to adjust it in the vehicle's door. Such a feature is not found in either *Kobayashi* or in *Bickerstaff*. The Office Action fails to address dependent Claim 3 nor does the Office Action provide evidence that such a feature is well known in the art.


V. CONCLUSION

In view of the foregoing discussion and present amendments, it is respectfully submitted that this application is in condition for allowance. An early and favorable action is therefore respectfully requested.

Please charge any shortage or credit any overpayment of fees to BLANK ROME LLP, Deposit Account No. 23-2185 (001058-00036). In the event that a petition for an extension of time is required to be submitted herewith and in the event that a separate petition does not accompany this response, Applicants hereby petition under 37 C.F.R. 1.136(a) for an extension of time for as many months as are required to render this submission timely. Any fee due is authorized above.

Respectfully submitted,

Date: January 6, 2010

By: /Tara L. Marcus/ 
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APPENDIX A

Dictionary

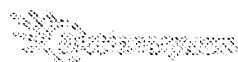
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odium

in-flec-tion <Q>

[in-flek-shuhn] ⓘ Show IPA

-noun

1. modulation of the voice; change in pitch or tone of voice.
2. Also, **flection**, **Grammar**.
 - a. the process or device of adding affixes to or changing the shape of a base to give it a different syntactic function without changing its form class.
 - b. the paradigm of a word.
 - c. a single pattern of formation of a paradigm; *noun inflection*; *verb inflection*.
 - d. the change in the shape of a word, generally by affixation, by means of which a change of meaning or relationship to some other word or group of words is indicated.
 - e. the affix added to produce this change, as the -s in *dogs* or the -ed in *played*.
 - f. the systematic description of such processes in a given language, as in *serves* from *serve*, *sings* from *sing*, and *harder* from *hard* (contrasted with *derivation*).
3. a bend or angle.
4. **Mathematics**. a change of curvature from convex to concave or vice versa.

Use **inflection** in a Sentence

Also, especially British, **inflexion**.

Origin

1525-35; var. sp. of *inflexion* < L. *inflexiō*- (s. of *inflexiō*) a bending. See *inflect*, *dog*.

—Related forms

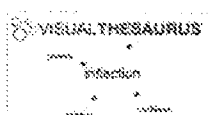
in-flec-tion-less, *adjective*
pre-in-flec-tion, *noun*

—Can be confused: *infection*, *inflexion*.

Dictionary.com Unabridged
Based on the Random House Dictionary, © Random House, Inc. 2010.
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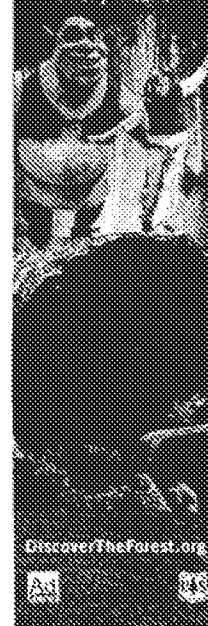
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English and French

World English Dictionary

inflection or inflexion (ɪnˈflekʃən) **[?]**

— *n*

1. modulation of the voice
2. (*grammar*) a change in the form of a word, usually *modification* or *affixation*, signalling change in such grammatical functions as tense, voice, mood, person, gender, number, or case
3. an angle or bend
4. the act of inflecting or the state of being inflected
5. *maths* See also *point of inflection* a change in curvature from concave to convex or vice versa

inflexion or inflexion

— *n*

in'flectional or inflexion

— *adj*

in'flexional or inflexion

— *adj*

in'flexionally or inflexion

— *adv*

in'flexionally or inflexion

— *adv*

in'flexionless or inflexion

— *adj*

in'flexionless or inflexion

— *adj*

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Publishers 1996, 2000, 2003, 2006, 2008, 2007, 2004
Ola.The.Swede

Medical Dictionary

in-flec-tion definition

or chiefly British **in-flex-ion** Pronunciation: /ɪnˈflek-shən/

Function: *n*

1: the act or result of curving or bending

Merriam-Webster's Medical Dictionary © 2007 Merriam-Webster, Inc.
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inflection in-flec-tion (ɪnˈflekʃən)

n.

An inward bending.

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A change in the form of a word to reflect different grammatical functions of the word in a sentence. English has lost most of its inflections. Those that remain are chiefly *possessive* ('s), as in "the boy's hat"; *plural* (-s), as in "the three girls "; and *past tense* (-d or -ed), as in *cared*. Other inflections are found in *pronouns* -- as in *he*, *him*, *his* -- and in irregular words such as *think*/*thought*, *child*/*children*, and *mouse*/*mice*.

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Encyclopedia

inflection

In linguistics, the change in the form of a word (in English, usually the addition of endings) to mark such distinctions as tense, person, number, gender, mood, voice, and case. English inflection indicates noun plural (cat, cats), third person singular present tense (I, you, we, they buy; he buys), past tense (we walk, we walked), verbals (called, calling), and comparatives (big, bigger, biggest). Changes within the stem, or main word part, are another type of inflection, as in sing, sang, sung and goose, geese. The paradigm of the Old Icelandic u-stem noun *skjoldr* ("shield"), for example, includes forms with both internal change and suffixation; the nominative singular form is *skjoldr*, the genitive singular is *skjaldar*, and the nominative plural is *skildir*. Many languages, such as Latin, Spanish, French, and German, have a much more extensive system of inflection. For example, Spanish shows verb distinction for person and number, "I, you, he, they live," *vivo, vives, vive, viven* ("I live," "you live," "he lives," "they live"). A number of languages, especially non-Indo-European ones, inflect with prefixes and infixes, word parts added before a main part or within the main part. Inflection differs from derivation in that it does not change the part of speech. Derivation uses prefixes and suffixes (e.g., in-, -tion) to form new words (e.g., inform, deletion), which can then take inflections.

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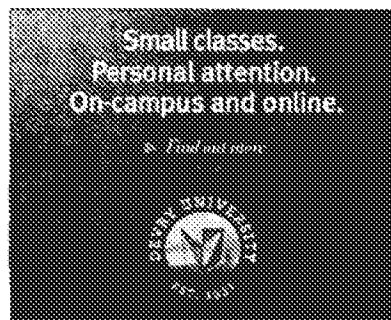
"The difference between style and taste is never easy to..."

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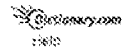
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